HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27279 of 2007

Dated 20th December, 2007

Between

Gudipati Prasad

…Petitioner

and

The Tribal Welfare Special collector,
Kotaramachandrapuram/Polavaram,
WG District, and, another

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27279 of 2007

ORDER:

This Writ Petition has been filed challenging the notice dated 22-11-2007 issued by the Special Deputy Collector (Tribal Welfare), first respondent, in proceedings SR.No.140/2007, in exercise of powers under the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959.

The petitioner claims to be the owner and possessor of the land admeasuring Ac.13.21 cents covered by RS.No. 232/2 of Vinjaram village, Polavaram Mandal in West Godavari District. It is stated that the predecessors of the petitioner have purchased the said land during the year 1950. On the proposals sent by the second respondent, earlier, notice dated 3-10-2007 was issued to the petitioner, on the

allegation that he is in possession of the said land in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959, as amended by Regulation 1/70 and, he was asked to appear on 12-10-2007. It is submitted that on 12-10-2007, the petitioner appeared before the first respondent and filed his explanation. It is further submitted that again the same authority has issued further notice dated 22-11-2007 asking him to appear on 11-12-2007 for conducting enquiry with reference to the same allegation.

It is the grievance of the petitioner that though he had responded to the notice issued earlier on 3-10-2007, but however, the first respondent issued further notice.

Notice dated 22-11-2007 is issued to the petitioner intimating the date of enquiry, which was scheduled to be held on 11-12-2007. If the petitioner does not want to file any further explanation, it is for him to say so in the enquiry. While it is open for the petitioner to prove in the enquiry that he has not violated the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959, as amended by Regulation 1/70, but, on the grounds raised by the petitioner, this Court cannot interdict the proceedings of the authority to make enquiry under the said Regulation. I do not find any valid ground to entertain this Writ Petition, which is directed against the notice dated 22-11-2007 to conduct enquiry.

The Writ Petition is devoid of merits and is accordingly dismissed at the admission stage. However, it is made clear that the first respondent shall conduct enquiry on its own merits, uninfluenced by any of the observations made in this order. No order as to costs.

-

JUSTICE R. SUBHASH REDDY

DATE: 20-12-2007
Msnr.